

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MADALYN M. SOULLIERE,

Plaintiff,

Case No. 23-cv-10596
Hon. Matthew F. Leitman

v.

NORMA HERR WOMEN'S CENTER,

Defendant,

/

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 27) AND (2) DISMISSING ACTION
WITH PREJUDICE**

On March 14, 2023, Plaintiff Madalyn M. Soulliere filed this action against Defendant Norma Herr Women's Center (the "Center"). (*See* Compl., ECF No. 1.) In her Complaint, Soulliere appears to claim that during a stay at the Center in May 2022, her belongings were stolen and she was subjected to sexual harassment. (*See id.*) On June 7, 2023, the Center moved to dismiss Soulliere's Complaint. (*See* Mot. to Dismiss, ECF No. 18.) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 9.)

On December 26, 2023, the Magistrate Judge issued a report and recommendation in which he recommended that the Court "(1) deny without prejudice [the Center's] motion to dismiss; (2) dismiss Soulliere's complaint; (3) give [Soulliere] 21 days to file an amended complaint that conforms with Federal

Rule of Civil Procedure 8; and (4) stay [the Center’s] obligation to answer or otherwise respond to any such amended complaint until further order of the Court, which will give the Court an opportunity to assess Soulliere’s compliance with the mandates specified herein before Defendant is forced to act” (the “December 26 R&R”). (December 26 R&R, ECF No. 24, PageID.119.)

The Court adopted the recommended disposition of the December 26 R&R in a written order dated January 17, 2024. (*See Order*, ECF No. 25.) In that order, the Court directed Soulliere to file a First Amended Complaint by no later than February 19, 2024. (*See id.*, PageID.124.) It further warned Soulliere that her “failure to file a First Amended Complaint by February 19, 2024, that complies with the applicable Federal Rules of Civil Procedure may result in the dismissal of her case with prejudice.” (*Id.*)

Soulliere did not file a First Amended Complaint as directed in the December 26 R&R and the Court’s January 17 order. Accordingly, on March 22, 2024, the Magistrate Judge issued a second report and recommendation in which he recommended that the Court dismiss Soulliere’s action with prejudice due to her failure to comply with the Court’s orders and her failure to file a First Amended Complaint (the “March 22 R&R”). (*See March 22 R&R*, ECF No. 27.) At the conclusion of the March 22 R&R, the Magistrate Judge informed the parties that if

they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.172.)

Neither Soulliere nor the Center has filed any objections to the March 22 R&R. Nor has either party contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because neither party has filed any objections to the March 22 R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE** due to Soulliere’s failure to comply with the Court’s orders.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 22, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 22, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126